

UNITED STATES DIST. COURT SOUTH DIST.
COUNTY OF NEW YORK291 BROADWAY, SUITE 1504
NEW YORK, NY 10007
LIC. # 887-054

WILFREDO MATOS ET AN

Plaintiff(s)

- against -

Index No.

AFFIDAVIT OF SERVICE

738 RESTAURANT CORP. ET AL

Defendant(s)

SUMMONS AND COMPLAINT

STATE OF NEW YORK: COUNTY OF NEW YORK

ss:

GEORGE RUSH

BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY

TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 02/19/08 at 0537PM Hours at C/O MOONSTRUCK ON 58TH 250 E. 58TH STREET NEW YORK NEW YORK 10022

deponent served the within SUMMONS AND COMPLAINT

on

JOHN KAPETANOS

therein named,

INDIVIDUAL

A ☐

by delivering a true copy of each to said personally; deponent knew the person so served to be the person described as said person therein.

(S) He identified (her) himself as such.

CORPORATION

B ☐

a (domestic) (foreign) corporation by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in legal papers and knew said individual to be thereof

SUITABLE
AGE PERSONC ☐

by delivering thereat a true copy of each to KATHRYN VARGAS a person of suitable age and discretion. Said premises is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state.

(S) He identified (her) himself as CO-WORKER of recipient

AFFIXING TO
DOOR, ETC.D ☐

by affixing a true copy of each to the door of said premises, which is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there on the dates below:

MAILING
USE WITH
C or DX ☐

Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to the above recipient at

C/O MOONSTRUCK ON 58TH 250 E. 58TH STREET NEW YORK NEW YORK 10022

said wrapper in (a post office) official depository under exclusive care and custody of the United States Postal Service within New York State.

Deponent further states that he describes the person actually served as follows

Sex Skin Color Hair Color Age (Approx.) Height (Approx.) Weight (Approx.)

FEMALE

WHITE

BLACK

26

5' 5

150

MILITARY
SERVICEX ☐

Above person has asked, whether the recipient (s) was (were) in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the recipient (s) is (are) not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person (s) so served as aforesaid to be the same person (s) mentioned and described as the defendant(s) in this action.

* MAILED TO THE ABOVE ADDRESS IN AN ENVELOPE MARKED
PERSONAL & CONFIDENTIALUSE IN
NYC CIVIL CT.☐

The language required by NYCRR 2900.2(e), (f) & (h) was set forth on the face of said summons (es).

Sworn to before
me on the

02/20/08

SANDRA FARRON

Notary Public, State of New York

No. 01FA4784241

Qualified in Nassau County

Commission Expires Sept. 30, 2009

GEORGE RUSH

LICENSE No.

791 734

115525